

## TRIPOLI IS CAPTURED?

Comes Report to Glasgow Firm This Afternoon

## ITALIAN FLAG FLOATING

Bombardment of Batteries Is Followed by Visit to the Shore by Italian Naval Men—Rumor of the Loss of an Italian Vessel.

Glasgow, Scotland, Oct. 5.—"Italian flag now floats over Tripoli." This cablegram was received this afternoon by Elliott & Co. from their agents at Tripoli.

London, Oct. 5.—"The Italians effected a landing close to Tripoli under the protection of their warships." This dispatch was received here to-day from Rome.

A dispatch to The Chronicle from Constantinople to-day says a cablegram received there from a Turkish source at Tripoli, states that the Italian battleship Conte di Cavour has been blown up by a Turkish mine off Tripoli and that the crew and the troops aboard the vessel perished. The dispatch continues:

"Heavy cannonading was heard last night near Samothrace, an island belonging to Turkey in the Aegean sea. Violent cannonading was heard off the coast from Preveza. The newly formed national defense committee to-day held King George of England, asking him to intervene."

Rome, Oct. 5.—A telegram from Tripoli under to-day's date says:

"The bombardment continued yesterday morning. The fire was directed against the outer defense, the central defenses being spared so as not to destroy the town. The Sultana and Hamidieh batteries were dismantled. The cruiser Giuseppe Garibaldi entered the harbor, and the Italian officers visited the Hamidieh battery. They found the Turks had removed the sights from the guns and evacuated. Three bodies were found."

## NOT SURRENDERED THIS MORNING

Said Report From Tripoli, Following Yesterday's Bombardment by the Italian Fleet.

Tripoli, Oct. 5.—No offer to surrender had been made by the Turks this morning, following yesterday's bombardment by the Italian fleet. The cruiser Giuseppe Garibaldi entered the harbor and landed two officers. The officers visited Hamidieh battery, which was dismantled by the guns of the warships. The battery was evacuated by the Turks, who removed the breech locks of the guns. The bodies of three of the Turkish garrison were found in the fort.

Some inhabitants of Tripoli displayed enthusiasm when they saw the Italians landing. The advancing Turkish torpedo boats were stranded and badly damaged and the cables were cut between the land office and the sea. Accordingly the cable ship has been unable to repair them. The wireless plant at Derna has also been rendered inoperative.

## MOST SERIOUS LOSS IN TRIPOLI FIGHT

Was Sustained at the French Fort and at the Docks—Defenders of New Spanish Fort Left Hurriedly.

Rome, Oct. 6.—Advices received here state that the most serious damage and loss of life during the bombardment of Tripoli occurred in the vicinity of the French fort and at the docks. The new Spanish fort scarcely resisted and lumbered at the first shells, some casualties resulting. The defenders hurriedly retired to Pasha's castle.

## STRIKERS BACK AT WORK.

Freight Business on Illinois Central Road Is Slow to Pick Up, However.

Chicago, Oct. 5.—Seventy-five strikers returned to work at the Illinois Central shops here to-day, making a total of nine hundred men at work. Representatives of the strikers say that not more than fifty per cent. of the normal freight traffic is moving.

## Hogan Whips Dorman.

New York, Oct. 5.—One-round Hogan of California outfought and outpointed Jack Dorman of New York in a fast ten-round bout at the Madison Athletic club last night. The men fought at catch weights and were from 3 to 5 pounds over the lightweight limit. Hogan had easily the better of it all the way, working a fast short right to the head and a left upper cut with telling effect.

## CHELSEA.

Halsey Druke, who has been visiting friends in town for a short time, left the first of the week for Troy, N. Y., where he has employment as a bookkeeper.

Ray H. Dearborn, son of Mr. and Mrs. Calvin N. Dearborn, left the first of the week for Albany, N. Y., to take a course of study in the Albany Business college.

Clayton Cole, who lives on the Albert E. Morris farm just over the line in Williamstown, is seriously ill with typhoid fever.

Mrs. Hale K. Darling and children, Mary and Lawrence, returned Monday evening from Boston, Mass., where they had been spending two weeks with Mr. Darling.

## WOMEN LOOTERS ARRESTED.

First Captures Made in the Ruins of Austin, Pa.

Austin, Pa., Oct. 5.—The first arrests for robbery since the disastrous floods of last Saturday were made yesterday, when two foreign women were caught by a state trooper while prying open the lid of a trunk. The women are Mrs. Peter Shava and her daughter-in-law, Mrs. Joseph Shava. The women arrested appealed to State Senator F. E. Baldwin to intercede for them, but he refused to intercede. They were taken to the county jail at Coudersport, Pa. Their home then was searched and furs and jewelry valued at \$1,000 or more were recovered, many of the pieces of which were identified by the owners.

Joseph Shava, husband of the younger woman, is accused of participating in the thefts. He has fled the town. The visit of Gov. John K. Tener, the recovery of seven more bodies and the funerals of a number of other victims, further improvements of the system of clearing the ruins and feeling the augmented force of workmen, marked the day as one of the greatest progress thus far in relieving the stricken town.

With the bodies recovered yesterday, there are but thirty persons unaccounted for, according to the official announcement from headquarters. As the bodies are identified, more haste than heretofore is used in disposing of them because of the warm weather and drizzling rain.

Six funerals were held yesterday, five of them from the Swedish church, the only one left standing. At this little edifice, bare and crude in its appointments, were read the services over the bodies of J. E. Baldwin; his daughter, Mrs. M. C. Collins; Martha Schwald, Mrs. Andrew Benson, and her 10-year-old daughter, Ellen.

All the funerals were held in the afternoon, one after the other. The five caskets, were placed side by side before the pulpit at one time and as one service was completed, a minister of another denomination would succeed him for the next funeral.

## FOOLHARDY BOY STRUCK BY TRAIN

Murray Ellis, Aged 14, Badly Hurt Near Royalton To-day and Was Taken to Hospital in Randolph.

Royalton, Oct. 5.—Disregarding the warnings of his companions, it is said, Murray Ellis, a 14-year-old schoolboy, started to run across the Central Vermont railroad track near here at noon to-day and was struck by the engine and thrown for some distance. It is said that he sustained a compound fracture of one leg and a fracture of the skull. Two physicians, who were called, placed the youth in an automobile and rushed him to the sanatorium at Randolph.

The accident happened during the recess of the school, and quite a party of the children started for a place where cider was being made. In order to reach the place, the track had to be crossed. The others waited for the train to pass and tried to get young Ellis to pass also. He is the son of George Ellis, who resides outside this village.

## FLIP OF A COIN

Will Determine Where Opening of Post-Season Series Shall Be.

New York, Oct. 5.—The toss of a coin here to-day will determine whether the opening game of the world's championship baseball series will be played on the home grounds of the National league pennant winners here or on the grounds of the world's champions of 1910 in Philadelphia. The choice of heads or tails in the toss-up will lie between President Thomas J. Lynch of the National league and Ban Johnson, American league president.

By New York's clinching the National league championship yesterday, the way is cleared for definite arrangements for the world series and plans will be finally drawn up at a meeting of the national commission here to-day.

President Lynch last night said that nothing more definite could be announced as to the dates of the world series than that the games would not begin until at least two days after the close of the National league season, which ends October 12.

## ASHLAND, ME., VISITED BY \$100,000 FIRE

One-third of the Place Was Wiped Out This Morning, Including Nine Wooden Buildings.

Ashland, Me., Oct. 5.—A third of the business section of Ashland was destroyed by fire to-day, nine wooden buildings being burned. The loss is estimated at \$100,000. The Ashland house, a three-story hotel building, and the opera house were the principal structures destroyed.

## NOTED MEN IN BURLINGTON.

Ready for President Benton's Induction Into Office.

Burlington, Oct. 5.—As a preliminary to the induction to-morrow of Guy Poter Benton into the office of president of the university of Vermont, educational conference is being held here to-day, at which a number of notable educators are present. The city to-day is filled with a throng of men and women whose names are famous in the world of art, letters and science.

## TALK OF THE TOWN.

The Goddard seminary seconds will play the Indians at the campus Saturday afternoon at 4 o'clock.

"Alma, Where Do You Live?" which comes to the opera house to-night, comes from Bellows Falls, arriving at 4:40.

Haddock, cusk, cod, chicken halibut, salmon, oysters, and innard haddies, telephone your orders early. City Fish Market, 4 Merchant street. Tel. 344-M.

## EAST BARRE.

Millstone Lodge, No. 332, N. E. O. P., will meet Friday evening at 7 o'clock. Members come prepared to pay dues and assessments as the call must be said at once.

## COINED MONEY, NOW IN JAIL

Two West Virginia Youths Show Remarkable Cleverness

## BROUGHT TO WASHINGTON

They Are Alleged to Have Used New Method for Giving Ringing Quality to the Coins—They Will Serve Two Years.

Washington, D. C., Oct. 5.—James Leonard, 11 years old, and his brother, Henry, aged 14, were brought here to-day from West Virginia to serve two years in the government reform school for making spurious coins. The boys, despite their tender ages, are said to be clever counterfeiters. The Leonards are alleged to have given the coins a ringing quality by using anti-floxin, which they are said to have been the first to use for that purpose.

## FOUR SHOTS FIRED IN THE LEGISLATURE

Nobody Hurt at Vienna To-day and the Shooters Were Promptly Arrested.

Vienna, Oct. 5.—Four shots were fired from the gallery in the lower house of the Reichsrath to-day in the direction of the ministerial benches, where the ministers of justice and education were seated. No one was injured, and the men who fired the shots were arrested.

## \$14,000 FUTURITY.

Peter Thompson Lexington Winner—Urban Lowered Track Record.

Lexington, Ky., Oct. 5.—Peter Thompson, the great Lydia Thompson boy gelding, owned by A. B. Cox of Paoli, Pa., yesterday won the \$14,000 Kentucky futurity by taking the three heats. Main Leaf, James R. Magowan's game colt, which won two heats Tuesday, was too lame to come back.

Peter Thompson set a new world's record for 3-year-old geldings in the fourth heat, when he went the mile in 2:07 1/2. Soprano took the McDowell stake, worth \$3,225, in straight heats, and made a new record for that stake with 2:05, which is a half-second faster than General H's market last year.

The 2-year-old futurity, worth \$5,000, was won by Miss Katherine Wilkes' Princess Todd, which lowered the season's record for 2-year-old trotters in the second and deciding heat to 2:13 1/2. Urban, C. K. G. Billings' trotter, failed to lower his record of 1:58 1/2, but made the mile in 1:50 1/2, which is two and a quarter seconds under the record for the track.

## STRIKE BREAKERS REMOVED.

Transported From McComb City on Demand of the People.

McComb City, Oct. 5.—With the enforced departure late yesterday of the last of the strike breakers brought here by the Illinois Central railroad, came the first real assurance of the restoration of peace after 24 hours of excitement and spasmodic rioting. The people of McComb City demanded that the strike breakers, be removed from their community and the 132 men were placed aboard a heavily guarded special train and hurried to New Orleans. Sixty soldiers armed with ball cartridge and with orders to "shoot to kill" if necessary, accompanied the special train south as far as Magnolia. This action by the military authorities probably prevented another pitched battle.

Three companies of Mississippi National Guard patrolled the streets last night. A coroner's inquest was held late last night over the body of Lem Haley, the aged striker, who was shot and killed here Tuesday night and an open verdict rendered.

## DECLARE "OPEN SHOP."

Burnside Plant of Illinois Central Becomes So Yesterday.

Chicago, Oct. 5.—The Burnside shops of the Illinois Central road became "open shops" yesterday, a formal notice posted within the stockade informing the workmen that hereafter the road will deal only with its individual employees. The strikers declared the change would have no effect on the strike, and that the order will be removed when the strike was ended.

A statement issued by Vice-President Parks of the Illinois Central said:

"There has been no great change in the conditions. We have a few more men working to-day than yesterday. Train movements are about normal everywhere."

"The restraining order issued by Judge Wright for the eastern district of Illinois is being served on all concerned by United States deputy marshals, and assurances have been received that it will be observed."

## RATIFICATION MEETING.

Massachusetts Democrats Will Probably Have Little To Do.

Boston, Oct. 5.—The Democratic state convention was held here to-day. The gathering of delegates to the convention and of the candidates for all political offices, chosen at last week's primaries, was practically a ratification meeting for the state ticket.

The platform called for immediate revision of the tariff, favored reciprocity with other nations, direct legislation, a state department of labor, an aid to agricultural interests, an income tax, a permanent state finance commission and the adoption of the Oregon plan for the election of United States senators until an amendment for direct election is secured. The enforcement of all laws against monopolies is also urged.

## \$13,000,000 INCREASE IN VERMONT GRAND LIST

Splendid Gain Made During the Year, According to Report Submitted by State Commissioner Cushman.

The report of the grand list as sent to the secretary of state and state treasurer by State Commissioner J. E. Cushman for the year past shows that in every department Vermont has had a healthy growth, and as a result the total grand list goes well over the \$2,000,000 mark. Rutland leads in the counties, with Chittenden a close second, but when it comes to cities Burlington leads its closest rival, Rutland, on real and personal property by about 75 per cent., its appraisal being \$104,730.37, to the other \$33,537.51. Next in line comes Montpelier with \$71,000, St. Johnsbury with \$65,000, and in succession Rockingham with \$56,000, Barre with \$53,000 and St. Albans with \$39,000. All were better than a year ago.

Following are the figures for 1911: Total appraised valuation of real estate for taxation \$15,906,976.16 Total appraised valuation of personal estate for taxation 80,727,348.08 Total deductions for debts owing 34,880,746.06 Total appraised valuation personal property, subject to taxation, after deducting the last mentioned item 45,046,230.12 Total appraised valuation of real and personal estate for taxation 202,043,375.85 One per cent. of the total appraised valuation of real and personal estate 2,020,433.75 Total appraised valuation of taxable polls at \$2. 187,229.06 Total grand list 2,207,670.72

By a comparison with a year ago, the total valuation is shown to have increased \$13,526,632 and the valuation of real estate \$12,010,412.16. The value of personal property, after deductions for debts have been made, has increased \$939,620.02, and polls from \$182,470 to \$187,229, which, when divided by two, means an increase in the number on the voting list of 883.

The deductions for debt this year are \$34,880,746.06, as against \$32,734,945.20 in 1910, thus exceeding it by about \$2,145,800.86. Hitherto the officials in many towns have reported the total amount of indebtedness of the taxpayer as shown in their tax inventory, instead of the correct amount of deduction.

To illustrate: A owns personal property appraised at \$800 and he owes \$500. The listers in that case deduct \$500 from the \$800, leaving \$300 subject to taxation. A's deduction is therefore \$500. If B owns the same amount of personal property and owes \$1,000, the listers could not deduct \$1,000 from B's list. They could deduct only \$800, because he had only \$800 worth of personal property. His deduction would therefore be only \$800. In the year past no town has been allowed to return the total amount of indebtedness, but has been required by the tax department to figure out the correct amount for deduction. This affords a striking example of the abuses which have existed under the present law.

## BROCKTON FAIR.

Beachey Made Flight and Horse Races Were Run Off.

Brockton, Mass., Oct. 5.—Except for an impressive flight by Lincoln Beachey yesterday afternoon, New England day at the Brockton fair practically was closed at 2 o'clock because of a heavy rain. Only the three minor harness racing events were run off, the three big stake races and five others being postponed. The events were all won in straight heats, the 2:18 class for trotters going to Larabie Gyp, owned by E. A. Sunderland of Lebanon, N. H. Knight Onward won the 2:25 pace, and Harry Brino the 2:25 trot.

After nearly all the fair activities had ceased because of the rain, Lincoln Beachey trundled his airplane onto the enclosure and arose. Soon aviator and machine were lost to sight. After skimming for several minutes above the curtain of lowering clouds, Beachey again appeared and began his spiral descent to earth. He made a successful landing ten minutes after his ascent.

The summary of the races:

2:18 Class, Trotting.  
Larabie Gyp, bg. by Fred Kohl (Sunderland) 1 1 1  
Baron Aberdeen, bg (Carpenter) 3 2 2  
Martin Luther, bg (Bever) 2 3 4  
LeBaron Buckner, blkh (Cross) 4 3 3  
Lake Leno, bm (Terrill) 3 4 3  
Time—2:10 1/2, 2:19 1/2, 2:18 1/2.

2:25 Class, Pace.

Purse—\$1,000.  
Knight Onward, bh, by Twelfth Knight (Ray) 1 1 1  
Ida Mine, bg (Bradford) 5 3 2  
Margaret, bm (Gillies) 3 2 5  
Oral, brn (Fox) 2 7 0  
Jessie Simmore, bm (Dismore) 5 4 3  
Lalpat Patch, blkh (Rodney) 7 8 4  
Alban, blkh (Burgess) 6 6 7  
Fanny D. bm (Johnson) 8 5 8  
Time—2:13 1/2, 2:16 1/2, 2:15 1/2.

2:25 Class, Trotting.

Purse—\$500.  
Harry Brino, bg, by Green Brino (Ralston) 1 1 1  
The Albatross, bh (McGrath) 2 3 2  
Primo, bg (Woodbury) 6 3 2  
Goldboro, bg (Milan) 3 5 4  
Catherine C, bm (Gillies) 4 6 5  
Neno Bingen, bg (Twitshell) 7 4 0  
Col. Hawkes, bg (Brown) 5 7 7  
Time—2:23 1/2, 2:22 1/2, 2:27 1/2.

## WAS INSTANTLY KILLED.

Antony Sprinson Struck on Head in Fall at Leconia, N. H.

Leconia, N. H., Oct. 5.—Antony Sprinson, a Dane, was instantly killed while at work for the Simpson corporation of Boston, on the new stand pipe being erected at the New Hampshire school for feeble minded children. The accident occurred just after 5 o'clock yesterday afternoon.

The man was at work at the cement mixer, when in some way he got caught in the gearing and was thrown, striking on his head, causing instant death. He was attended by Dr. Baker, superintendent of the school, but was past medical aid. He came here from Boston, a native of Denmark, and nothing is known here of his family.

## BAY RUM DOSE PROVED FATAL

Edward Chevalier, a Barber, Died From Drinking It

## HIS PHYSICIAN THINKS

Autopsy Called For to Determine Cause Accurately—Dr. B. H. Stone of Burlington Responded This Afternoon—Chevalier New Arrival in Barre.

Edward Chevalier, a barber employed in E. Modica's shop on North Main street, died at his boarding place at the home of Fred Bresaw, 8 Summer street, this morning at 2:10 o'clock. Death, it is said, occurred under rather unusual circumstances. At the request of State's Atty. J. Ward Carver, Dr. B. H. Stone of the state laboratory at Burlington is conducting a postmortem examination of the remains at Badger's undertaking rooms this afternoon. He is assisted by Dr. C. F. Dalton, also of the state laboratory.

Last evening about 10 o'clock, Dr. P. S. Duffy was summoned to the Bresaw home to attend the sick man. Here he found Chevalier in a state of partial collapse. Dr. Duffy was told that the man had complained of a headache and severe cold for a few days past. It was admitted that he has been drinking too freely, and on the sick man's own statement, the physician learned that he had taken a quantity of bay rum procured at the barber shop where he was employed. Dr. Duffy administered a heart stimulant and took other precautions for Chevalier's recovery.

At 2:30 o'clock this morning he received a telephone message saying that the man had passed away. The body was taken to Badger's undertaking rooms shortly after death. Soon afterwards, Dr. Duffy notified the state's attorney of the death and described the circumstances surrounding his taking away. The nature of the death seemed to warrant further investigation and to this end Dr. Stone was called upon for an autopsy. It is understood that those connected with the case believe that death ensued from an overdose of the bay rum.

At the Bresaw home this morning it was stated that Chevalier had been in Barre only since last Friday, when he began work at the Modica barber shop. Sunday, it is said, he complained of the cold and took whiskey to alleviate his suffering. He continued to work at the shop, however, although in the opinion of Mrs. Bresaw, his condition failed to improve. According to her statement, he partook of bay rum on Tuesday night.

Yesterday afternoon at 2 o'clock he returned to the house, saying that he would be unable to work during the afternoon. Later he left the house ostensibly for a drug store to obtain medicine for his cold. He returned before night and went directly to bed. At 8 o'clock, Mrs. Bresaw states that he seemed to be in intense pain. The family stayed up with him during the night and followed the directions given by the attending physicians. Toward 2 o'clock, it is said that he sank into a partial coma, which was followed by death.

Chevalier had been employed for some time in Worcester, Mass., prior to his arrival in Barre. He leaves a wife and two children in Winslow. He originally came from Rouses Point, N. Y., and there resided his mother and three sisters. A surviving brother lives in Quebec. Mrs. Bresaw, at whose house he resided during his stay in Barre, is distantly related to the man. He was 49 years old.

It is said that he was employed in Barre for several months until a year ago, when he went to Worcester. Persons who were intimate with the dead man say that he was not an inveterate drinker, but that he was addicted to "spree" which were sometimes as long as a year apart. At those times, however, it is stated, he would remain under the influence of liquor for several days at a time. Following the autopsy, which will be completed this afternoon, it is expected that the body will be to Rouses Point for burial.

## PASSED BY SENATE.

Direct Nominations Bill Now Goes to the New York Assembly.

Albany, N. Y., Oct. 5.—The Ferris-Blaugvelt direct nominations bill, which passed the New York assembly morning, was adopted in the Senate last night with certain important amendments, by a vote of 27 to 19. All the Republicans voted in the negative and were joined by Senators Loomis of Buffalo and Sax of New York. Democrats, Senator Duhamel, Independence League, voted with the Democrats.

The passage of the bill was the culmination of a series of conferences which occupied the senators of both parties almost the entire day. The bill now goes to the Assembly for concurrence in the amendments.

## JAILED FOR SELLING.

Graniteville Man, Who Was Raided Last Sunday.

Chelsea, Oct. 5.—Sheriff B. H. Adams was in the Williamstown end of Graniteville Sunday and raided the dwelling house of Eurilo Pepillo, where he found two kegs of beer and other material evidence of his carrying on a nice little business in contraband goods. On Monday Mr. Pepillo was brought before Justice of the Peace John M. Comstock on complaint of State's Attorney S. C. Wilson, charging him with selling intoxicating liquor, and the court finding him guilty of the charge sentenced him to the county jail for a term of not less than five months nor more than six months, and he was committed forthwith. Sheriff Adams was assisted in making the raid by Constable H. O. Bixby and B. A. Goodrich of Chelsea, and Deputy Sheriff A. A. Reed and Constable Guy Martin of Williamstown.

## CONTESTED WILL CASE IN SUPREME COURT

Arguments Presented in Bean Case from Plainfield and Also in Two Deer Slaughter Cases.

The contested will case of Orzella C. Bean, in which Everett A. Bean, et al., are appellants, came up in Vermont supreme court yesterday afternoon. The will was established in the lower court, and the appellants filed exceptions, which were later amended.

In the arguments yesterday afternoon, H. C. Shurtliff, for the contestants, said the will in question was dated August 26, 1900. It leaves the sum of \$5 each to all the children of Orzella C. Bean except Charles, who received the residue of the estate. Mrs. Bean lived on a small place a short distance from Plainfield village. The contestants claimed undue influence. Exceptions were taken on several points as to the admission of evidence and to certain portions of the charge to the jury. An attempt was made during the trial to show that Charles Bean had written letters to his mother telling her that if she would "reach of them" \$1 the will could not be broken.

In the case of one witness exceptions were taken because he was not allowed to state as to Mrs. Bean's mental condition, it being contended he was not an expert. The contestants filed a large number of suggestions in regard to the court's charge, some of which were not adhered to and exceptions were taken in this regard.

R. M. Harvey, for the proponent, argued that if Bean wrote telling his mother to will "reach of them" \$1 the phrase included himself as well as the other children. He held that no undue influence was shown and that in fact Bean had sent his parents many gifts of money and valuables, especially on birthdays and at Christmas. He held that the witness, Fisk, who was asked to state whether he considered Mrs. Bean of sound mind, had had no means of ascertaining the facts in the case and was not in a position to make a positive statement.

## Deer Damage Cases Heard.

Before taking up the Bean case the court heard two Windham county cases of State vs. George Caruth for killing deer and State vs. Herbert L. Streeter for same charge. C. C. Fitts representing defendants and State's Attorney F. E. Barber, the state. Deer were shot in Halifax. Two men serving the owner of the property where they were shot were prosecuted. The owner was acquitted, but in order to raise the question of property the demurrer was filed.

The case itself is small but it is important as tremendous damage is done by deer in southern Vermont and Mr. Fitts placed his query as to whether or a man killing deer in defense of his property must defend himself in court, or whether the state should not satisfy itself reasonably that there is cause for action against the man and he would put the burden of such investigation on the state.

If a man has to clear himself at law when he shoots for a deer in defense of property rights, he is not going to take the risk as a usual thing and will allow his post to overbid him. State's Attorney Barber argued that it was not necessary to mention the fact as to whether or not the deer was damaging crops when shot. He held that this was a matter peculiarly within the knowledge of the defendant alone. He should have defended on the point as it was exclusively within his knowledge. Mr. Barber argued that the exceptions should be overruled.

Another matter taken up was the petition of the Central Vermont railroad for transfer of several cases for damages from Windham county court to other counties in behalf of fair trials, since it was the opinion of the railroad officials that the "railroad war" in Windham county had aroused great feeling and prejudice. The cases are Central Vermont vs. L. M. Carpenter; Central Vermont vs. Maria L. Johnson; Central Vermont vs. John L. Johnson; Central Vermont vs. Fred Ellis.

A complaint in disbarment proceedings has been filed by the attorney general with the court against William B. Aldrich of Barton, charged with collecting money and not turning it over to clients and with taking cases on shares.

A short session of the court was held this morning, when two decisions were rendered. In the case of State vs. Boyd, indicted in Windham county for murder and sentenced to not less than nine and not more than 12 years in the state prison, exceptions, filed by the respondent, were overruled and the verdict was affirmed.

In Rutland Railway, Light & Power Co. vs. the Clarendon Power Co., the motion for a new trial was denied. The court then adjourned to next Tuesday.

## MAKE TEST CASE IN BARRE SUIT

To See If Foreign Corporation, Not Licensed in Vermont, Can Sue on Contract Here.

Judge Taylor, who is presiding over Windham county court, to-day directed the foreman of the jury in the case of Livingston Manufacturing Co. vs. Rizzi Bros. of Barre to return a verdict for the plaintiff to recover \$150 and costs, so that the case can be taken to the supreme court to determine if an unregistered foreign corporation doing business in Vermont can bring action in suit. Therefore, the foreman of the jury brought the verdict, the jury not leaving their seats.

In the course of the trial yesterday afternoon M. M. Gordon, attorney for the defendant, raised the point that since the Livingston company, a Maine corporation, was not licensed to do business in Vermont, it cannot sue on a contract in Vermont. The statement that the Livingston company was not licensed in Vermont was brought out during cross examination, and the defendants' attorney made a motion for a verdict, which was overruled, followed by the foreman for the jury to return a verdict for the plaintiff. It is said that many foreign corporations, unlicensed in Vermont, are doing business in the state.

Following the disposal of that case that of E. M. Somers vs. E. H. district No. 1 of Barre Town was started. Don't forget to order your fish for Friday at the City Fish Market. Full assortment of seasonable varieties. Tel. 344-M, 4 Merchant street.

## FOUR TO THREE

Not Enough Vermont State Library

To Reconsider Paving Resolution Before City Council

## ON THE WIDENED STREET

City Fathers Held Quite a Discussion Last Night Concerning Locality About the New Aldrich Building and the City Park.

A special meeting of the city council, with all of the members present, was held last evening, called for the purpose of taking action on the proposition proposed by the street committee to reconsider the resolution passed two weeks ago to pave around the Aldrich block at the corner of North Main and Washington street, where the Main street curbing is being straightened and up Washington street as far as the easterly line of Elm street at the library lot; also to pave the corner of the park at the corner of Washington and North Main, 25 feet of which is to be cut off to make room for the installing of a new drinking fountain for horses.

The reason that the street committee